CHAPTER 17
AIRPORT OVERLAY ZONE, AOZ

17.1 PURPOSE

17.1.1 It is hereby determined that an airport hazard endangers the lives and property of users of airports, as well as property and occupants of land in its vicinity. Any hazard or any obstruction of a type that in effect reduces the size of the area available for landing, take-off and maneuvering of aircraft tends to destroy or impair the utility of airports and the public investment therein. Accordingly, it is hereby declared:

17.1.2 That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by airports;

17.1.3 That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented, and

17.1.4 That the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

17.2 DEFINITIONS

17.2.1 In this Chapter the following terms, phrases, words, and their derivations shall have the meanings as hereinafter defined:

17.2.2 AIRPORT
shall mean any landing area, runway, or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft including all necessary taxiways, aircraft storage and tiedown areas, hangars, and other necessary buildings and open spaces as permitted by local zoning ordinances.

17.2.3 AIRPORT ELEVATION
shall mean the highest point of the airport's usable landing area measured in feet from mean sea level.

17.2.4 AIRPORT HAZARD
shall mean any structure or object or natural growth located on or in the vicinity of the airport, or any use of land near the airport, which obstructs the airspace required for the flight of aircraft in landing or take-off at the airport, or is otherwise hazardous to such landing or take-off of aircraft.

17.2.5 AIRPORT REFERENCE POINT
shall mean the point established as the approximate geographic center of the airport landing area and so designated.

17.2.6 FAA shall mean the Federal Aviation Administration.

17.2.7 HEIGHT FOR THE PURPOSES OF DETERMINING THE HEIGHT LIMITS IN ALL ZONES set forth in this Chapter and shown on the zoning map, the datum shall be mean sea level

elevation unless otherwise specified.

17.2.8

NON-CONFORMING USE

shall mean any pre-existing structure, tree or use of land which is inconsistent with the provisions of this Chapter or an amendment thereto.

17.2.9

NON-PRECISION INSTRUMENT RUNWAY

shall mean a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment for which straight-in-non-precision instrument approach procedure has been approved or planned and for which no precision approach facilities are planned or indicated on an FAA planning document.

17.2.10

PERSON

shall mean an individual, firm, partnership, corporation, company association, joint stock association or government entity. It includes a trustee, receiver, assignee, or similar representative of any of the foregoing.

17.2.11

PRECISION INSTRUMENT RUNWAY

shall also mean a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It shall also mean a runway for which a precision approach system is planned and is so indicate on an FAA approved airport layout plan or any other FAA approved planning document,

17.2.12

PRIMARY SURFACE

shall mean a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of such runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of such runway The width of the primary surface of a runway will be that width prescribed in Part 77, Section 77.25 of the Federal Aviation Regulations (FAR), which is hereby incorporated by reference and made a part hereof, for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

17.2.13

RUNWAY

shall mean a defined area on the airport prepared for landing and take-off of aircraft along its length.

17.2.14

STRUCTURE

shall mean an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth formations and overhead transmission lines.

17.2.15

TREE

shall mean any object of natural growth.

17.2.16

UTILITY RUNWAY

shall mean a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 lbs. Maximum gross weight or less.

17.2.17

VISUAL RUNWAY

shall mean a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan or on any planning document submitted to the FAA by competent authority.

17.3

AIRPORT ZONES.

In order to carry out the provisions of this ordinance there are hereby created and established certain overlay zones which may include all of the land lying within the approach zones, transitional zones, horizontal zones and conical zones. Such zones shall be effective only to the extent shown on the airport zoning map on file in the office of the Box Elder County Planning Commission as the same appears as of the effective date of this amending ordinance and as amended from time to time hereafter to reflect the changes made thereon by ordinances adopted by the County Commission and said map by ordinances adopted by the County Commission and said map and all references, notations and other information shown thereon are hereby made a part of this Chapter to the same extent as if said map and the information thereon were fully described and set forth herein.

17.4

UTILITY RUNWAY VISUAL APPROACH ZONE

Utility runway approach zones are hereby established with the inner edge coinciding with the width of the primary surface and being 250 feet wide. The approach zone expands outward from a point 200 feet from the end of the runway then widening uniformly to a width of 15,000 feet at 5,200 feet beyond the end of the runway.

17.5

RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM AS LOW AS 3/4 MILE NON- PRECISION INSTRUMENT APPROACH ZONE

Runway larger than utility with a visible minimum as low as 3/4 mile non-precision instrument approach zones are hereby established with the inner edge of this approach zone coinciding with the width of the primary zone being 500 feet wide to a point 200 feet beyond the end of the runway then widening uniformly to a width of 15,000 feet at 10,200 feet beyond the end of the runway.

17.6

PRECISION INSTRUMENT RUNWAY APPROACH ZONE

Precision instrument runway approach zones are hereby established with the inner edge of this approach zone coinciding with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward, uniformly, to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.

17.7

TRANSITIONAL ZONES

Transitional zones are hereby established as the area beneath the transitional surfaces. The surfaces extend outward and upward to 90 degree angles to the runway centerline and the runway centerline extended, at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for these portions of the precision approach zones which project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at a 90 degree angle to the extended runway centerline.

17.8

HORIZONTAL ZONE

17.8.1

Horizontal zones are hereby established as that area the perimeter of which is constructed by swinging arcs of specified radii from a point on the centerline and 200 feet beyond each end of each runway and connecting the adjacent arcs by lines tangent to those arcs.

17.8.2

The radius of each arc is 5,000 feet for all runways designated as utility or visual and 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded in determining the horizontal zone. The horizontal zone does not include the approach and transitional zones.

17.9

CONICAL ZONE

Conical zones are hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zones and the transitional zones.

17.10

AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Chapter, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this Chapter to a height in excess of the applicable height limit herein established for such zone.

17.11

UTILITY RUNWAY VISUAL APPROACH ZONE - HEIGHT LIMITATION

The height limitation in a utility runway visual approach zone slopes upward one foot vertically for each 20 feet horizontally beginning at the centerline elevation of end of the runway and extending a distance of 5,200 feet from the end of the runway.

17.12

RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM AS LOW AS 3/4 MILE NON- PRECISION INSTRUMENT APPROACH - HEIGHT LIMITATION

The height limitation in a runway larger than utility with a visual minimum as low as 3/4 mile non- precision instrument zone slopes upward one foot vertically for each 34 feet horizontally beginning the centerline elevation at the end of the runway and extending a distance of 10,200 feet from the end of the runway.

17.13

PRECISION INSTRUMENT RUNWAY APPROACH ZONES - HEIGHT LIMITATION

The height limitation in a precision runway approach zone slopes upward 100 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extends to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional distance of 40,000 feet along the extended runway centerline.

17.14

TRANSITIONAL ZONES - HEIGHT LIMITATION

The height limitation in a transitional zone slopes upward and outward 7 feet horizontally for each foot vertically beginning at the side of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing there are established height limits sloping upward and outward 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the approach zones and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone height limits sloping upward and outward 7 feet horizontally for each foot vertically shall be maintained beginning at the sides

of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at a 90 angle to the extended runway centerline.

17.15

HORIZONTAL ZONE - HEIGHT LIMITATION

The height limitation in a horizontal zone shall be 150 feet above the airport elevation.

17.16

CONICAL ZONE - HEIGHT LIMITATION

The height limitation of the conical zone shall slope upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

17.17

HEIGHT LIMITATIONS PERMITTED

Nothing in this Chapter shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height consistent with the terms of this Chapter.

17.18

USE RESTRICTIONS

Notwithstanding any other provisions of this Chapter, no use may be made of land or water within Box Elder County that will create any electrical interference with navigational signals for radio communication between the airport and the aircraft, make it difficult for pilots to distinguish airport lights and others, result in glare in the eyes of the pilots using the airport, impair visibility in the vicinity of the airport, or otherwise in any way create a hazard or endanger the landing, take-off, or maneuvering of aircraft intending to use the airport.

17.19

NON-CONFORMING USE - REGULATIONS NOT RETROACTIVE

The regulations prescribed in this Chapter shall not be construed to require the removal, lowering, or other changes or alterations in any structure or tree not conforming to the regulations as of the effective sate of this ordinance, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any change in the construction, alterations, or intended use of any structure, the construction or alteration which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

17.20

NON-CONFORMING USES - MARKING AND LIGHTING

Notwithstanding the provisions of the preceding section (Section 17.19) the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards.

17.21

PERMITS

All uses shall obtain permits before constructions or installation as required by other Municipal Ordinances.

17.22

PERMITS - EXISTING USES

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use or structure to be made or become higher or become a greater hazard to air navigation than it was on the effective date of this ordinance, or any amendment thereto, or than it is when the application for a permit is made.

17.23

NON-CONFORMING USES ABANDONED OR DESTROYED

Whenever the Municipal Building Official determines that a non-conforming structure has been abandoned for a period of 12 consecutive months, or physically deteriorated as defined in Section 203 of the Uniform Building Code, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

17.24

HAZARD MAKING AND LIGHTING

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the property owner at his own expense to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

17.25

CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other regulations applicable to the same area including land use zoning, whether the conflict be with respect to the height of the structure or trees, the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail. Also, where an area is covered by more than one height limitation described in this Chapter the more restrictive limitation shall prevail.

17.26

AIRPORT LAYOUT PLAN PROVISIONS

Airport types and airport heights provisions for an airport shall be determined by and based on an airport layout plan and airport zoning map approved by the Municipal Governing Body and on file with the Box Elder County Planning Commission. Any such maps so approved and recorded at the time and passage of this Chapter shall be deemed to be as much a part of this Chapter by this reference as if fully prescribed and detailed herein.